

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DENNIS BOUFFIOU,

Plaintiff,

v.

CITY OF POUSLBO, a Washington State
Municipal Corporation; DONNA JEAN
BRUCE, Mayor of the City of Poulsbo; and
NANCY LIEN,

Defendants.

Case No. C05-5718RJB

ORDER STRIKING
PLAINTIFF'S MOTION
FOR ORDER TO
COMPLY WITH
SUBPOENA DUCES
TECUM AS MOOT

This matter comes before the Court on Plaintiff's Motion for Order to Comply with Subpoena Duces Tecum. Dkt. 13-1. The Court has considered the motion and the remainder of the file herein.

On July 31, 2006, Plaintiff filed the instant motion and noted it for consideration the same day. *Id.* The motion requests an order compelling Sound Employment Solutions, LLC to comply with a May 8, 2006 Subpoena Duces Tecum. *Id.* The May 8, 2006 Subpoena Duces Tecum commands Sound Employment Solutions, LLC appear at a deposition on Tuesday, May 23, 2006. Dkt. 14, at 1.

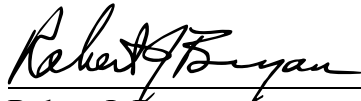
The motion should be stricken as moot. The Court can not order a party appear at a deposition which was held two months ago. Moreover, pursuant to Local Civil Rule of Procedure 7(d)(3), this motion should be noted for consideration "no earlier than the third Friday after filing and service of the motion." The Court also notes that there is no evidence in the record that this motion was served.

1 Therefore, it is hereby

2 **ORDERED** that Plaintiff's Motion for Order to Comply with Subpoena Duces Tecum (Dkt. 13-1)
3 is **STRICKEN AS MOOT**.

4 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
5 party appearing *pro se* at said party's last known address.

6 DATED this 31ST day of July, 2006.

7
8 

9 Robert J. Bryan
10 United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28